

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Carl D. Wahlstrand, Confirmation No. 6690  
Ruchika Singhal and  
Robert M. Skime  
Serial No.: 10/731,869  
Filed: December 09, 2003 Customer No.: 28863  
Examiner: Alyssa M. Alter  
Group Art Unit: 3762  
Docket No.: 1023-318US01  
Title: MODULAR IMPLANTABLE MEDICAL DEVICE

---

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via the United States Patent and Trademark Office electronic filing system on December 19, 2008.

By:   
Name: Patricia Cygan

**NOTICE OF APPEAL**

MAIL STOP AF  
Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 41.31, Applicants hereby appeal to the Board of Patent Appeals and Interferences from the final rejection of claims 1-31 and 33-61 of the above-identified application, as set forth in the final Office Action mailed June 20, 2008. A first reply to the final Office Action was filed within two months of the mailing date of the final Office Action. As of December 19, 2008, Applicant has not received an Advisory Action. Accordingly, Applicant believes that no extension of time fee is necessary. However, if an extension fee is necessary, please charge Deposit Account No. 50-1778 in the amount required to cover the extension fee for a large entity.

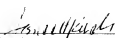
Please charge Deposit Account No. 50-1778 in the amount of \$540.00 to cover the required fee for filing this Notice of Appeal as set forth under 37 C.F.R. § 41.20(b)(1).

Please charge any additional fees or credit any overpayment to Shumaker & Sieffert, Deposit  
Account No. 50-1778.

Date: December 19, 2008

SHUMAKER & SIEFFERT, P.A.  
1625 Radio Drive, Suite 300  
Woodbury, Minnesota 55125  
Telephone: 651.286.8346  
Facsimile: 651.735.1102

By:

  
Name: Jessica H. Kwak  
Reg. No. 58,975